

# EXHIBIT M

FILED  
MUNICIPAL COURT  
SAN MATEO COUNTY

JUN 05 1989

SOUTHERN BRANCH

By Drum Deputy

FILED

JUL 18 1989

WARREN SLOCUM, County Clerk  
By W. Slocum DEPUTY CLERK

JUL 18 1989

@ 77349

IN THE MUNICIPAL COURT OF THE COUNTY OF SAN MATEO

STATE OF CALIFORNIA

CRS051P144

THE PEOPLE OF THE STATE OF CALIFORNIA, )

No. \_\_\_\_\_

Plaintiff, )

COMPLAINT - CRIMINAL  
(Felony)

vs. JOHN WINSTON BOONE  
58 Jules St.  
San Francisco, CA

SECTION 118 P.C.  
(2 Counts)  
134 P.C.  
132 P.C.

Defendant(s) )

The undersigned does hereby accuse, on information and belief, the above named defendant(s) of the crime(s) of felony, committed as follows:

COUNT I - VIOLATION OF SECTION 118, PENAL CODE, CALIFORNIA:

That the above named defendant(s) on or about the 31st day of March 1989, within the County of San Mateo, State of California, did wilfully, unlawfully, and feloniously having taken an oath in front of Judge Aram Severian that he would testify truthfully in a jury trial, wilfully and contrary to that oath state as true material matter that he knew to be false; to wit: that he obtained a towing receipt from Jack's Automotive (Defense exhibit D) on April 13, 1988.

//

//

SUBJECT TO  
PROTECTIVE ORDER

002112  
flnv-multi:DA384

COUNT II - VIOLATION OF SECTION 118, PENAL CODE, CALIFORNIA:

That the above named defendant on or about the 3rd day of April 1989, within the County of San Mateo, State of California, did wilfully, unlawfully, and feloniously having taken an oath in front of Judge Aram Severian that he would testify truthfully in a jury trial, wilfully and contrary to that oath state as true material matter that he knew to be false: to wit: that he obtained a towing receipt from Jack's Automotive (Defense exhibit D) on April 13, 1988.

COUNT III - VIOLATION OF SECTION 134, PENAL CODE, CALIFORNIA:

That the above named defendant on or about the 31st day of March 1989, did wilfully and unlawfully prepare a false or antedated paper, record, or instrument in writing, to wit: a towing receipt from Jack's Automotive (Defense Exhibit D) with intent to produce it or allow it to be produced for any fraudulent or deceitful purpose, as genuine or true, as evidence in his behalf in a jury trial.

COUNT IV - VIOLATION OF SECTION 132, PENAL CODE, CALIFORNIA:

That the above named defendant on or about the 31st day of March 1989, did wilfully and unlawfully offer in to evidence, as genuine or true, any book, paper, document, record, or other instrument in writing, to wit: a towing receipt from Jack's Automotive (Defense exhibit D) knowing the same to have been forged or fraudulently altered or antedated.

Executed at South San Francisco, California,  
on May, 1989. I declare under penalty of  
perjury that the foregoing is true and correct.

MCK/ac 5/18/89 SMO

  
COMPLAINANT.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO THE PEOPLE OF THE STATE OF CALIFORNIA, vs. <u>John Boone</u> Plaintiff Defendant		(For Court Use Only) <b>FILED</b> JUL 7 1989 SO. M. COUNTY Deputy
DECLARATION CONCERNING <input type="checkbox"/> PLEA OF <input checked="" type="checkbox"/> CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; and FINDING and ORDER		Case Number <u>51F144</u>

1. the above named defendant in the above-entitled criminal action, and in support of my motion, which will be made in open court personally and by my attorney,  
☐ to change my plea(s) to ☐ to plead ☐ guilty ☒ nolo contendere, do declare:

1. My attorney in this action is CHARLES M. Robinson
2. I am charged in the complaint in this action with having  
 violated PC § 118(2x), 132, 134  
(code, section(s), count(s))
3. I desire to ☐ plead ☒ change my plea(s) to nolo contendere to PC § 118 (ct. 1)  
(guilty/nolo contendere)  
(state code, section(s) and count(s), including lesser offense(s) to which plea is to be made)
4. I do understand the nature of the charge(s) against me.  
(do/do not)
5. I have discussed the nature of the charge(s) against me and the possible defenses thereto with my attorney.  
(have/have not)
6. My attorney has explained my constitutional rights to a trial by jury, confront witnesses against me, the process of the Court to compel the attendance of witnesses on my behalf, the right to remain silent or, if I so choose, to testify for myself. The right to a preliminary hearing.  
(has/has not)
7. I do realize that I give up these rights by pleading guilty or nolo contendere.  
(do/do not)  
 I understand that a plea of nolo contendere has the same legal effect as a plea of guilty.
8. I understand that if I am not a citizen, conviction of the offense for which I have been charged may have the consequences of deportation; exclusion from admission to the United States or denial of naturalization.
9. My decision to ☒ change my plea(s) to ☐ plead nolo contendere has  
(guilty/nolo contendere (has/has not))  
 been made freely and voluntarily, without threat or fear to me or anyone closely related to or associated with me.
10. My attorney has explained that the maximum penalty, including penalty assessments, which could be imposed as a result of my plea(s) of guilty or nolo contendere is 4 yrs. prison + 4 yrs. parole + fine + restitution fine  
(has/has not)

11. I have not (have/have not) been induced to plead guilty or nolo contendere by any promise or representation of a lesser sentence, probation, reward, immunity, or anything else except:

Dismiss Cts. 2-4; Top of 6 months jail consecutive (by Court)

JUL 18 1989

(NOTE: Any agreement on sentence where state prison is imposed includes parole, and where probation is granted may still subject a defendant to the maximum penalty (see #10) if probation is later violated.)

12. I do (do/do not) understand that the matter of probation and sentence is to be determined solely by the Court and will not be decided until the report and recommendation by the Probation Department has been considered.

The Court reserves the right to withdraw its consent to any sentence limitation agreement; and, in the event, I will be permitted to withdraw my plea(s) of guilty or nolo contendere and all charges will be reinstated.

EXECUTED in San Mateo County, California on 7-7, 1989

John W. Brune  
(Defendant's Signature)

Charles Robinson states that he is the above-named defendant's attorney in the above-entitled action; he personally read and explained the contents of the above declaration to the defendant; he personally observed the defendant fill in, date and sign said declaration; he, after having investigated this case and the possible defenses thereto, concurs in the defendant's plea(s) of guilty or nolo contendere to the charge(s) as set forth by the defendant in the above declaration and stipulates there is a factual basis for the plea(s).

DATED: 7-7-89

Charles Robinson  
(Attorney's Signature)

The People of the State of California, plaintiff in the above-entitled criminal action, by and through its attorney, concur and stipulate there is a factual basis for the plea(s).

DATED: 7-7-89

JAMES R. FOX, DISTRICT ATTORNEY

By

Deputy — Assistant District Attorney

#### FINDINGS AND ORDER

The defendant personally and by his attorney in open court having this date entered a plea of ☐ guilty ☒ nolo contendere, and having been advised as to his rights, said plea is hereby accepted and ordered entered. The Court finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights.

DATED 7-7-89

[Signature]  
JUDGE

County Clerk Form 206 (Rev. 10/86)

CRIMINAL-PLEA OR CHANGE OF PLEA

SUBJECT TO  
PROTECTIVE ORDER

002115



(ENDORSED)  
**FILED**  
JUL 18 1989

WARREN SLOCUM, County Clerk  
By VIRGILIO S. CASTRO  
DEPUTY CLERK

**ENDORSED FILED**  
SAN MATEO COUNTY  
MUNICIPAL COURT

JUL 14 1989

SOUTHERN BRANCH  
By DAWN STANGEL  
Deputy

IN THE MUNICIPAL COURT OF THE COUNTY OF SAN MATEO  
STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, ) Municipal Court # 51F144  
Plaintiff, ) Superior Court # 022349  
vs. JOHN WINSTON BOONE ) PROCEEDINGS CERTIFYING  
Defendant(s) ) DEFENDANT TO SUPERIOR  
COURT FOR SENTENCE  
(P.C. 859a)

On MAY 18, 1989 complaint was filed in the above  
Court charging defendant with

count    code section    violation

I & II    118 P.C.    PERJURY  
III    134 P.C.    PREPARING FALSE EVIDENCE  
IV    132 P.C.    OFFERING FALSE EVIDENCE

On MAY 18, 1989 defendant was present in court and  
was arraigned and instructed as to his legal rights by the court,  
including his right to a preliminary hearing within a reasonable  
time; his right to a jury or court trial; his right to confront  
and cross-examine witnesses against him; and his right to remain  
silent and his right not to testify against himself.

1 On \_\_\_\_\_ the complaint was amended to charge  
2 defendant with:

3  
4  
5  
6  
7 On JULY 7, 1989 defendant was present in court with  
8 his attorney and the People represented by the District Attorney;  
9 the case was called, defendant expressly waived his rights to a  
10 preliminary hearing, jury or court trial, confrontation and  
11 silence, and personally entered plea(s) of GUILTY/NOLO CONTENDERE  
12 to the charge(s) contained in the complaint as follows:

13 count code section violation

14 I 118 P.C. PERJURY

15  
16  
17 with the consent of said attorney, the District Attorney, and the  
18 within-entitled court. COUNTS II, III AND IV DISMISSED

19  
20 IT IS HEREBY ORDERED that the within entitled case be certified  
21 to the Superior Court of the County of San Mateo for sentence  
22 pursuant to section 859a of the Penal Code of California;  
23 defendant is ordered into the custody of the Sheriff of said  
24 county, until defendant gives bail or is otherwise legally  
25 discharged.

26 Dated: JULY, 1989

27 PFW/jws 7-10-89

28 JUDGE OF SAID MUNICIPAL COURT

SUBJECT TO  
PROTECTIVE ORDER

002117  
859aCert:DA384

**FILED**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

SEP 29 1989

IN AND FOR THE COUNTY OF SAN MATEO

WARREN SLOCUM, County Clerk  
By *[Signature]*  
DEPUTY CLERK

OCT 2 1989

The People of the State of California,)

Plaintiff,)

-vs-

Court Number: C-22349  
Dept. Number: #5

JOHN WINSTON BOONE

Defendant.)

**ORDER ADMITTING DEFENDANT TO PROBATION**

The above-named defendant having pled nolo contendere in this Court of the offense of Violation of Section 118 of the Penal Code (Felony - Perjury)

on the 7th day of JULY, 19 89, and having made application for probation, and the Court having considered the report of the Probation Officer in the above-entitled case;

IT IS HEREBY ORDERED by this Court that the imposition of sentence be suspended, and said defendant be admitted to probation, for a period of three (3) years from the date of this order, upon the following terms and conditions:

1. Probationer shall be under the supervision and control of the Probation Officer of this County, shall report as directed and obey all reasonable and proper instructions given by said Probation Officer.
2. Probationer shall seek employment and, as far as possible, remain employed during the term of this probation.
3. Probationer shall obey all laws and, unless otherwise instructed by the Probation Officer, shall abstain from the use of all intoxicating liquors.
4. Probationer shall not leave this State without first securing permission from the Probation Officer and is further required to at all times keep his Probation Officer advised of his whereabouts.



The People of the State of California  
-vs-

Court No. C-22349

JOHN WINSTON BOONE

5. Probationer shall serve six (6) months in the County Jail, consecutive, and shall obey all rules and regulations of the jail facility or institution in which he is placed.
6. Probationer shall participate in a program of treatment and/or counseling as directed by the probation officer.
7. Probationer shall pay a fine in the amount of \$300 plus \$405 State Penalty Assessment through the Probation Department, as directed by the probation officer.

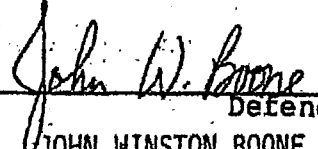
DONE IN OPEN COURT THIS 7th DAY OF SEPTEMBER, 19 89

  
HONORABLE MARGARET KANE  
JUDGE OF THE ABOVE-ENTITLED COURT

The undersigned hereby certifies that he has read the foregoing Order for Probation and understands the same and agrees to conduct himself strictly in accordance with said terms.

(over)  
Form 4020-b  
Rev. 12/88 LJS:nw

SUBJECT #74747  
PROTECTIVE ORDER

  
Defendant  
JOHN WINSTON BOONE

002119

### NOTICE TO PROBATIONER

Thoroughly familiarize yourself with the conditions of your probation, as a violation of any of the terms of probation will render you liable to penalties while, if you faithfully perform your duties, you are entitled to some privileges.

#### PENALTIES AND PRIVILEGES:

1. The Court or Judge thereof, in the order granting probation, may suspend the imposition or the execution of the sentence; and if you faithfully fulfill all the conditions of probation this suspension will remain in effect (1203.1 Penal Code).
2. The Court shall have authority at any time during the term of probation to revoke, modify, terminate or change its order of suspension or imposition or execution of sentence (1203.3 Penal Code).
3. At any time during your probationary period any Probation Officer or Peace Officer may, without a warrant or other process, rearrest you and bring you before the Court, and if the Court has reason to believe that you have violated any of the terms of your probation, it may revoke and terminate your probation and pronounce or execute sentence or issue a Bench Warrant (1203.2 Penal Code).
4. After your probation has terminated and if you have fulfilled the conditions of your probation and are not serving a sentence, or on probation for any offense, or charged with the commission of any offense, you have the right (except for some Vehicle Code violation cases) to apply to the Court to withdraw your plea of guilty and enter a plea of not guilty, or if you have been convicted, have the verdict set aside and thereupon the Court shall dismiss the accusation or information against you and you shall thereafter be released from all penalties and disabilities resulting from the offense of which you had been convicted (1203.4(a)&(b) Penal Code).

IN THE EVENT THE COURT ORDERS MONIES PAID THROUGH THE PROBATION DEPARTMENT: Payment of said monies can be done through the mail in the form of a money order or cashier's check made payable to:

SAN MATEO COUNTY PROBATION DEPARTMENT

Addressed to: ADULT PROBATION  
COUNTY GOVERNMENT CENTER #4602  
REDWOOD CITY, CALIFORNIA 94063

SUBJECT TO  
PROTECTIVE ORDER

002120

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MATEO

JUDGE DEPT. NO. 175

CASE NO. C22349-01

DATE 07 SEP 1989

DEPUTY CLERK

COURT REPORTER

HONORABLE MARGARET J. KEMP

FILE OF ACTION: PEO. CONCERNING JOHN WINSTON BOONE

NATURE OF EVENTS: CERT. FROM MUNI CT. PURS. SEC. 859APC  
VS118PC

(PARTIES AND COUNSEL CHECKED IF PRESENT)

DEFENSE COUNSEL

DISTRICT ATTORNEY BY

DDA

DEFENDANT NOT PRESENT *in custody*

PRIVATE DEFENDER APPOINTED WITH *Chas. Robinson* DESIGNATED.

ASSISTANT PROBATION OFFICER NOT PRESENT.

DEFENDANT STATES HIS TRUE NAME AS

DEFENDANT WAS HANDLED A COPY OF THE CERTIFICATION PURSUANT TO SECTION 859(A)PC, WAS ARRAIGNED ON SAME, AND REAFFIRMED PLEA MADE IN MUNICIPAL COURT

ON MOTION

CONTINUED TO

PROBATION REPORT/ AND ORDERED FILED. RECEIVED, REVIEWED

SUPPLEMENTAL PROBATION REPORT/ ORDERED.

CRIMINAL PROCEEDINGS SUSPENDED, SHERIFF ORDERED TO DELIVER DEFENDANT TO THE DEPARTMENT OF CORRECTIONS DIAGNOSTIC FACILITY AT VACAVILLE, CA/CORONA, CA FOR DIAGNOSIS AND EVALUATION PURSUANT TO SEC. 1203.03 PC FOR A TEMPORARY PERIOD NOT TO EXCEED NINETY DAYS.

DEFENDANT AND COUNSEL WAIVED TIME FOR SENTENCING.

DEFENDANT WAIVED FORMAL ARRAIGNMENT FOR JUDGMENT AND STATES THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT NOW BE PRONOUNCED.

IMPOSITION OF SENTENCE SUSPENDED. DEFENDANT SENTENCED PER ATTACHMENT.

SENTENCE SUSPENDED

PROBATION DENIED. FORMAL/COURT PROBATION GRANTED FOR A PERIOD OF *3 yrs* PER CONDITIONS ON ATTACHMENT.

CONDITIONS OF PROBATION ACCEPTED BY DEFENDANT.

DEFENDANT ADVISED OF PERIOD OF PAROLE PURSUANT TO SECTION 1170.1 PC.

DEFENDANT ADVISED OF RIGHT TO APPEAL, APPEAL PROCEDURE AND RIGHT TO

APPOINTED COUNSEL PURSUANT TO RULE 250, CALIFORNIA RULES OF COURT.

DEFENDANT FAILING TO APPEAR, WITHOUT SUFFICIENT EXCUSE

BAIL FORFEITED O.R. REVOKED.

BENCH WARRANT ORDERED ISSUED WITH NO BAIL/BAIL FIXED AT \$

DEFENDANT APPEARING BENCH WARRANT RECALLED BAIL/O.R. REINSTATED.

MOTION FOR ISSUANCE OF BENCH WARRANT/FORFEITURE OF BAIL/REVOCATION OF O.R.

SUBMITTED/CONTINUED TO

MOTION FOR REDUCTION OF BAIL/RELEASE O.R. IS GRANTED/DENIED.

BAIL RESET AT \$

DEFENDANT REMANDED ON BAIL O.R. ORDERED TO APPEAR

BAIL EXONERATED

DATE 07 SEP 1989 PROCEEDINGS

JOHN WINSTON BOONE

SUBJECT TO

PROTECTIVE ORDER

CRIMINAL MINUTE FORM 3

002121



CASE NO. C-22349 PEOPLE OF THE STATE OF CALIFORNIA vs John Winston Brown  
(Sentencing Attachment - County Jail)

☒ Defendant shall pay a \$100 restitution fund fine as mandated by Government Code Section 13967. This is not a condition of probation.

☒ Payments to be made to: ☒ Probation Dept. ☐ Revenue Services

☒ Pay fine of \$ 300.00 plus penalty assessment of \$ 405.00  
plus \$ \_\_\_\_\_ pursuant to Section 11372.5 H&S plus \$ \_\_\_\_\_  
pursuant to Section 11372.7 H&S. Pay fine of \$ \_\_\_\_\_ pursuant to Section 290.3 PC.  
This is ☒ is not a condition of probation.

☒ Payments to be made to: ☒ Probation Dept. ☐ Revenue Services

☒ Condition of Probation (In addition to the usual conditions re: supervision, employment, obedience of laws, abstinence from intoxicating liquors, remaining in State and keeping probation officer advised of whereabouts).

☒ Serve 6 months consecutive in County Jail, with credit for 0 actual days served plus 0 days good time / work time for a total of 0 days.

☒ Execution of jail sentence stayed to \_\_\_\_\_ at \_\_\_\_\_ AM/PM.  
Defendant ordered to report to jail on such day and time.

☒ Work furlough recommended: \_\_\_\_\_ Sheriff's Program recommended: \_\_\_\_\_

☒ Obey all rules and regulation of the jail facility or institution in which placed.

☒ Make restitution in the amount not to exceed \$ \_\_\_\_\_ as directed by Probation officer.

☒ Perform \_\_\_\_\_ hours of uncompensated public service work as directed by Probation Officer.

☒ Submit to chemical testing for the detection of alcohol/controlled substances.

☒ Abstain from use of intoxicating beverages/controlled substances.

☒ Submit to search and seizure of his/her person, place of residence or area under his/her control, or vehicle, by any probation officer or peace officer, during the day or night, with or without his/her consent, with or without a search warrant, and without regard to probable cause.

☒ Seek and maintain treatment, counseling or therapy as directed by the probation officer.

☒ Seek and maintain employment/participation in a vocational or educational program as directed by the probation officer.

☒ Enter and complete residential treatment program at \_\_\_\_\_ and remain until release approved by probation officer or program director.

☒ Not re-enter the United States illegally.

☒ Not own or possess dangerous or deadly weapons/firearms.

☒ Genetic marker testing pursuant to Section 290.2 PC.

☒ AIDS Testing pursuant to Section 1202.1 PC.

Dated: 2/2/89 Sentencing Attachment

Criminal Minute Form 5a  
County Jail  
2/89

SUBJECT TO  
PROTECTIVE ORDER

002122

## APPLICATION FOR MODIFICATION OF PROBATION / JAIL TIME

In connection with this application for Modification, the following information is submitted: #C 22349

APPLICANT'S NAME John W. Boone DOB 02-14-63 Age 26 Sex M

FACILITY: WORK FURLOUGH ☒ MSF ☐ MCC ☐ MAIN JAIL ☐ WOMEN'S CENTER ☐

Present support of family: Spouse working ☐ Welfare ☐

☒ Other Employee

## CHILDREN and/or OTHER DEPENDENTS

Name

Age

Relationship

Address

N/A

NOV 3 1989

Disabilities None

Usual occupation(s) Manager WENTECH Systems Inc. (Computer system)

Is employment assured? ☒ If so, by whom (name and address)

Leona L. Boone, General Manager

Residence address if released 58 Jules St. SF

Reasons for request

REFERENCES: Name	Address	Telephone No.
<u>Jordan G. Boone</u>	<u>58 Jules St.</u>	<u>(415) 586-1265</u>
<u>Leona L. Boone</u>	<u>58 Jules St.</u>	<u>(415) 586-1265</u>
<u>Theodore Justice</u>	<u>124 San Aliso</u>	<u>(415) 584-1749</u>

I certify that all the above statements and representations are true to the best of my knowledge:

Date 10/23/89 Signature John W. Boone

Request for modification: Granted ☐ Denied ☒

Judge's comments

**FILED**

NOV - 2 1989

Terms and Conditions

WARREN SLOCUM, County Clerk  
By [Signature]  
DEPUTY CLERK

Date 11/1/89 Signed: Judge of Superior 5 Muni Court

#7210

Rev. 48 SUBJECT TO

PROTECTIVE ORDER

002123